* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ **Crl. M.C. No. 3038-44/2006**

% Date of Decision: 6th December, 2007

\# Om Prakash & Ors. .....Petitioners

! Through Ms. Sima Gulati, Advocate for
petitioner nos. 1-6
Mr. Atul Kumar, Advocate for
petitioner no. 7.

versus

$ State of NCT of Delhi & Anr. .....Respondents

^ Through Mr. Sanjay Lao, APP for the State.

AND

Crl. M.C. No. 3069-70/2006

\# Perma Ram & Anr. .....Petitioners

! Through Mr. Atul Kumar, Advocate for petitioner no. 1.
Ms. Sima Gulati, Advocate for
petitioner no. 2

versus

$ State of NCT of Delhi & Anr. ..... Respondents

^ Through Mr. Sanjay Lao, APP for the State.

CORAM:

* **HON'BLE MR. JUSTICE P.K.BHASIN**

1. Whether Reporters of local papers may be allowed to see the judgment?(No)
2. To be referred to the Reporter or not?(No)
3.Whether the judgment should be reported in the digest?(No)

JUDGMENT

P.K.BHASIN, J:

By way of these petitions the petitioners have prayed for quashing of two FIRs registered against them in respect of the same incident which took place on 11.10.2001 as well as the on going trial against them. FIR no. 845/2001 under Sections 307/323 of Indian Penal Code ('IPC.' in short), Police Station Dabri, is the subject matter of Crl.M.C. No. 3069-70/2006 registered against the petitioner no. 1 of that case at the instance of petitioner no. 2-complainant and FIR no. 846/2001 under Sections 147/148/149/308/452/323/427 I.P.C. in Crl.M.C. No. 3038-44/2006 was also registered at Police Station Dabri against petitioners no. 1-6 at the instance of petitioner no. 7 of the petition. The two cases pending in Sessions Court are cross-cases. Since the incident which led to the registration of two cross cases is the same and these petitions, which have been filed because of the settlement between the two groups, were heard together, I propose to dispose them of by this common order.

2. Facts of the two cases, in the nutshell, are that on the day of incident while the work of laying water pipeline was in progress in front of the house of petitioner no. 1 Perma Ram in Crl. M.C. no. 3069-70/2006, who is also petitioner no. 7 in the other petition, some heated arguments took place between him and his co-

petitioners which led to a tiff. During the fight both the parties received some injuries.

3. After investigating the matter the police filed two separate charge-sheets before the concerned court in respect of both the FIRs. During the pendency of the criminal proceedings, both the parties resolved their disputes and arrived at an amicable settlement with the intervention of their friends and well wishers and thereafter these petitions were filed for quashing of both the FIRs and the two cases pending in the Sessions Court. Memorandum of Understanding dated 16.05.2006 has been placed on record.

4. Notices of the petitions were given to the State and the parties appeared in person also on 29-10-2007 before this Court and re-affirmed that whatever they have pleaded in the petitions that dispute giving rise to the present controversy had been amicably resolved and so they were no more interested in pursuing the cases against each other was correct. Affidavits of all the petitioners have also been filed affirming the contents of the petitions.

5. Learned APP for the State, however, opposed quashing of the FIRs and the pending cases on the ground that Section 308 I.P.C. has been invoked against the accused persons which offence is not compoundable under Section 320 Cr.P.C. In reply to this objection learned counsel for the petitioners had submitted that this Court has been quashing cases even in respect of offences under Section 307 I.P.C. whenever the parties have reported settlement and that in any case in both

these cases the injuries sustained by the parties were simple in nature and not on any vital part of the body of any of the injured.

6. It is now well settled that cases even in respect of those offences which are not compoundable under section 320 Cr.P.C. can be quashed if it is felt by the Court while dealing with a quashing petition under section 482 Cr.P.C. that it would secure the ends of justice if the FIR and criminal proceedings arising therefrom are quashed and continuation of the investigation/criminal proceedings would amount to abuse of the process of law. Reference in this regard can be made to one judgment of the Hon'ble Supreme Court in "***B.S.Joshi & Ors. Vs. State of Haryana & Anr.", AIR 2003 SC 1386*** where it has been so held. Further, in a recent case decided by this Court on 03.09.2007 "***Basara & Ors. v. State & Anr." Crl. M.C. No. 6621-24/2006*** and in an earlier judgment also of this Court in "***Gurcharan Singh v. The State & Anr." 1998 Cri.I.J. 3780*** the proceedings pending in the Court for the offences punishable under Section 307 I.P.C. were quashed in view of the compromise between the parties. Since both the parties in these petitions are neighbours living in the same locality and they have settled the dispute amongst themselves for bringing about peace and harmony in their locality, no fruitful purpose would be served if the trial of the accused in the two cases goes on and the relief of quashing of the criminal proceedings cannot be refused just because Section 308 I.P.C. is involved in the cases.

8. In view of the foregoing and considering the fact that this Court itself in its

earlier decisions, as noted above, has been allowing petitions for quashing of the FIRs on the basis of the settlement between the parties even in cases where allegations of serious nature inviting punishment upto imprisonment for life were levelled against the accused, I am inclined to allow these petitions as it would amount to abuse of the process of law if the two cases are allowed to continue. Consequently FIRs no. 845/2001 and 846/2001 registered at Police Station Dabri on 11-10-2001 and the criminal proceedings emanating therefrom are hereby quashed.

P.K.BHASIN,

December 6, 2007

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